

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

CATHY DARLENE RIDGE,

Plaintiff,

v.

KILOLO KIJAKAZI,¹

Acting Commissioner of Social Security,

Defendant.

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No. 1:20-CV-289-JRG-HBG

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. Now before the Court is Plaintiff's Unopposed Motion to Strike 23 Motion for Summary Judgment [Doc. 25], filed on October 26, 2021. Plaintiff requests that the Court enter an Order, pursuant to Federal Rule of Civil Procedure 12(f), striking her previously filed Motion for Summary Judgment [Doc. 23] and corresponding Memorandum in Support [Doc. 24].

Plaintiff explains in the instant motion that the previously filed motion and memorandum in support were inadvertently prepared based on a prior decision by an Administrative Law Judge ("ALJ") and medical record instead of the decision and medical record relevant to this matter. The reason for the faulty motion appears to be a clerical error made by Plaintiff's counsel's staff. Plaintiff requests additional time—up to and including November 5, 2021—to prepare and file a new brief based on the correct ALJ decision and medical record with Defendant's Response being

¹ Kilolo Kijakazi became the Acting Commissioner of the Social Security Administration ("the SSA") on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew Saul as the defendant in this suit. *See* 42 U.S.C. § 405(g).

due 45 days after the filing of Plaintiff's corrected brief. Defendant does not object to this motion.

The Court finds Plaintiff's **Motion to Strike [Doc. 25]** is unopposed and well taken, and it is **GRANTED**. Plaintiff's **Motion for Summary Judgment [Doc. 23]** and **Memorandum in Support [Doc. 24]** are **STRICKEN** from the record. Plaintiff shall have up to and including **November 5, 2021**, in which to file her corrected motion and brief in support. Defendant's Response will be due 45 days after the filing of Plaintiff's corrected motion.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge